

REMARKS

The Final Office Action issued November 14, 2003 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1-24 are pending in this application. Applicants request reconsideration of the pending claims.

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dallmeyer et al. ("Dallmeyer") (U.S. Patent No. 6,499,668). Applicants respectfully traverse this rejection because Dallmeyer fails to teach or suggest each and every element of the claimed invention, as recited in claims 1 and 10.

Independent claim 1 recites a method of manufacturing a fuel injector that can be achieved, in part, by assembling a fuel group by performing a series of processes in the following order: (a) inserting an adjusting tube into a fuel assembly; (b) inserting a biasing element into the fuel tube assembly; (c) inserting the armature assembly into the fuel tube assembly; and (d) connecting the seat assembly to the fuel tube assembly. Claim 10 recites a method of assembling a fuel group that can be achieved, in part, by assembling the fuel group by performing the following processes in the order recited: (a) inserting an adjusting tube into the fuel tube assembly; (b) inserting a biasing element into the fuel tube assembly; (c) inserting the armature assembly into the fuel tube assembly; and (d) connecting the seat assembly to the fuel tube assembly.

In contrast, Dallmeyer assembles a fuel group assembly opposite to the order (i.e., sequence) recited in claims 1 and 10. Specifically, Dallmeyer states, at column 8, lines 3-4, 15-16, 30-31, and 32-34, that a pre-assembled seat and guide assembly is loaded into a valve body before an armature assembly is loaded into the valve body. Thereafter, a spring is loaded into the valve body before a filter/adjusting tube is loaded into the valve body. Thus, the sequence of assembly of the fuel group assembly of Dallmeyer is a different sequence, i.e., opposite to that of the sequence recited in each of claims 1 and 10.

The Examiner confirms that Dallmeyer fails to show or describe the claimed invention as a whole. Because Dallmeyer fails to show or describe each and every element, the reference fails to anticipate the claimed invention as a whole as set forth in M.P.E.P. § 2131 (8th Ed. Rev. 1, Feb. 1, 2003).

The Examiner attempts to support the anticipation rejection of claims 1 and 10 by relying on the legal basis of "routine skill" or "routine optimization", as stated in paragraph 4 of the final Office Action. Such bases for rejecting claims 1 and 10, however, are inappropriate under 35 U.S.C. §102 because these legal precedents are sources of rationale supporting an obviousness rejection under 35 U.S.C. §103 as set forth in M.P.E.P. §2144 (8th Ed. Rev. 1, Feb. 1, 2003). Because the rationale in support of the rejection is inappropriate for anticipation under 35 U.S.C. §102, applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 10.

Claims 2-9 and 11-24 depend from one of allowable claims 1 and 10, and are also allowable at least because claims 1 and 10 are allowable, as well as for reciting additional features.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully request the reconsideration and reexamination of this application and allowance of the pending claims 1-24. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5717 if there are any outstanding issues that can be resolved via a telephone conference.

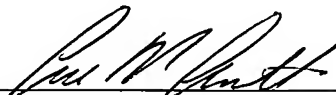
EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

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By:



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